

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANIEL J. SIMMS, aka TERRY WEEKS,) CASE NO.: C06-0942-RSM
Petitioner,)
v.) ORDER DISMISSING § 2254
STATE OF WASHINGTON,) PETITION WITHOUT PREJUDICE
Respondent.)

The Court, having reviewed the petition for writ of habeas corpus, the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's petition for writ of habeas corpus, and this action, are DISMISSED without prejudice.
- (3) The Clerk is directed to send copies of this Order to petitioner and to Judge Theiler.

DATED this 15 day of August, 2006.



**RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE**

ORDER DISMISSING § 2254
PETITION WITHOUT PREJUDICE